(S)

(29)

HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition (S) No.3254 of 2007

Petitioner — Mahesh Prasad Verma, S/o. Late Manbodh Verma, aged about 44 years, posted as Sub Engineer, Office of Sub Divisional Officer, Canal Construction, Sub Division No.3, Tilda, District Raipur, CG.

Versus

Respondents

1) The State of Chhattisgarh, through the Secretary, Department of Water Resources, D.K.S. Bhawan, Mantralaya, Raipur, CG.

2) The Chief Engineer, Mahanadi Reservoir Project Raipur, CG.

3) The Executive Engineer, Disnet Division Tilda, District Raipur, CG.

(Writ Petition under Article 226 of the Constitution of India)

SB: Hon'ble Mr. Justice Satish K. Agnihotri

Present:

Shri M.K. Bhaduri, counsel for the petitioner
Shri Arvind Dubey, Panel Lawyer for the State

ORAL ORDER
(Passed on 11th June, 2007)

Learned counsel appearing for the petitioner submits that the petitioner is working as Sub Engineer in the office of Bhatapara Canal Construction, Sub Division No.3, Tilda, District Raipur. Vide order dated 24-5-2007 (Annexure P/2) petitioner has been transferred to Water Resources Sub Division Saraipali under the Office of the Executive Engineer Water Resources, Division Mahasamund, due to administrative reasons.

2) Learned counsel appearing for the petitioner further submits that this transfer comes within the purview of frequent transfers. The

99

petitioner was earlier transferred from Pairi High Dam Disnet Division No.3 Tilda, District Raipur to the office of Executive Engineer, Water Management Division Rudri, Dhamtari, , vide order dated 30-08-2003 and thereafter vide order dated 1-10-2003 he was transferred from the office of Executive Engineer, Water Management Rudri, Dhamtari to Water Management Sub Division No.5 Kanki Raipur. Vide order dated 1-9-2004, the petitioner was transferred from Kanki to Mahanadi, Water Project, Disnet Division No.3, Tilda. The impugned order was passed on 24-5-2007. The petitioner has not challenged the legality and validity of the orders passed earlier on any ground.

3) Leaned counsel appearing for the petitioner submit that the order is bad on account of the fact that the order is contrary to the policy as the same has been passed during ban period. The transfer policy provides that even during ban period, the transfer of an employee can be made in public interest due to administrative exigency with co-ordination of office of the Chief Minister.

4) On perusal of the impugned order, it appears that the impugned order has been passed in co-ordination with the office of the Chief Minister. Thus, the ground of frequent transfers cannot be agitated at this stage.

5) It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved mala fide, non-competence of authority passing the transfer order and

transfer order not being in conformity with the rules and regulations. The petitioner/employee cannot be permitted to remain at one place, forever by Court orders.

6) The petitioner has not made out any case for interference by this Court in the present transfer.

7) In view of the foregoing, there is no merit in the petition and the same deserves to be and is accordingly dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Raju